

## EMPLOYMENT APPEALS TRIBUNAL

**APPEAL(S) OF:**  
EMPLOYEE

**CASE NO.**  
PW164/2009

*- appellant*

against the recommendation of the Rights Commissioner in the case of:  
EMPLOYER

*- respondent*

under

### **PAYMENT OF WAGES ACT, 1991**

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms S. Behan

Members: Mr D. Hegarty  
Ms. P. Doyle

heard this appeal at Cork on 18th June 2010

#### **Representation:**

Appellant(s) : In Person

Respondent(s) : Not Present or Represented

**This case came before the Tribunal by way of an appeal by the employee (the appellant) against the decision of the Rights Commissioner ref. R-073323-pw-08 JOC.**

The decision of the Tribunal was as follows:-

#### **Background:**

A claim under the Payment of Wages Act, 1991 was scheduled to be heard by a Rights Commissioner on May 19<sup>th</sup> 2009. Neither the appellant (employee), the respondent (employer) nor any representatives attended on their behalf. On July 7<sup>th</sup> 2009 the appellant appealed the recommendation of the Rights Commissioner by way of lodging a T1B form to the Employment Appeals Tribunal.

An appeal hearing was scheduled to be heard by a division of the Employment Appeals Tribunal on June 18<sup>th</sup> 2010. Neither the respondent nor a representative on their behalf attended. When questioned the appellant, through an interpreter, stated he did not have registered written proof to prove that he had notified the respondent within the six-week time limit that he was appealing the recommendation of the Rights Commissioner.

#### **Determination:**

The Tribunal finds that they have no jurisdiction to hear the appeal as Section 7 (2) of the Payment of Wages Act, 1991 states:

*“An appeal under this section shall be initiated by a party by his giving, within 6 weeks of the date on which the decision to which it relates was communicated to him-*

*(a) a notice in writing to the Tribunal containing such particulars (if any) as may be specified in regulations under subsection (3) and stating the intention of the party concerned to appeal against the decision, and*

*(b) a copy of the notice to the other party concerned.”*

Accordingly, having found Section 7 (2) (b) of the Payment of Wages Act, 1991 has not be complied with, the Tribunal has no jurisdiction to hear the appeal and therefore the appeal fails and the recommendation of the Rights Commissioner is upheld.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)